

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

COREY A. ASKEW, #248480,

Plaintiff,

v.

SERGEANT CROPSEY and
LIEUTENANT BUSH,

Case No. 07-11820
Honorable David M. Lawson
Magistrate Judge Donald A. Scheer

Defendants.

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**ORDER ADOPTING REPORT AND RECOMMENDATION AND DENYING MOTION
FOR TEMPORARY RESTRAINING ORDER**

Presently before the Court is the report issued on November 2, 2007 by Magistrate Judge Donald A. Scheer pursuant to 28 U.S.C. § 636(b), recommending that this Court deny the plaintiff's motion for a temporary restraining order. Although the magistrate judge's report explicitly stated that the parties to this action may object to and seek review of the recommendation within ten days of service of the report, no objections have been filed. The parties' failure to file objections to the Report and Recommendation waives any further right to appeal. *Smith v. Detroit Federation of Teachers Local 231*, 829 F.2d 1370, 1373 (6th Cir. 1987). Likewise, the failure to object to the magistrate judge's report releases the Court from its duty to independently review the matter. *Thomas v. Arn*, 474 U.S. 140, 149 (1985). However, the Court agrees with the findings and conclusions of the magistrate judge.

Accordingly, it is **ORDERED** that the Magistrate Judge's Report and Recommendation [dkt # 12] is **ADOPTED**.

It is further **ORDERED** that the plaintiff's motion for a temporary restraining order [dkt # 8] is **DENIED**.

s/David M. Lawson
DAVID M. LAWSON
United States District Judge

Dated: November 21, 2007

PROOF OF SERVICE

The undersigned certifies that a copy of the foregoing order was served upon each attorney or party of record herein by electronic means or first class U.S. mail on November 21, 2007.

s/Felicia M. Moses
FELICIA M. MOSES